



५/६/९१

# भारत का राजपत्र

## The Gazette of India

प्रसाधारण

EXTRAORDINARY

भाग II—खण्ड 2

PART II—Section 2

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. ३७]

नई दिल्ली, शुक्रवार, अगस्त 24, 1990/भाद्र 2, 1912

No. ३७]

NEW DELHI FRIDAY, AUGUST 24, 1990/BHADRA 2, 1912

इस भाग में विशेष पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed  
as a separate compilation.

## LOK SABHA

The following Bills were introduced in Lok Sabha on 24th August, 1990:—

BILL NO. 130 OF 1990

*A Bill to recognise and remove doubts as to the validity of marriages solemnised in accordance with the Buddhist rites and ceremonies.*

WHEREAS, it is expedient and necessary to recognise and put beyond doubt the validity of marriages solemnised as per Buddhist rites and ceremonies.

Be it enacted by Parliament in the Forty-first Year of the Republic of India as follows:—

1. (1) This Act may be called Buddhist Marriage Validation Act, 1990.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

Short title and extent.

Validity of Bud-dhist mar-riages.

26 of 1955.

2. Notwithstanding any provision of the Hindu Marriage Act, 1955, or any other law, custom or order or decree of a court of law to the contrary, no marriage solemnised whether before or after the commencement of this Act, between two persons professing Buddhist religion at the time of marriage, according to the Buddhist marriage rites and ceremonies, shall be invalid by reason only of the fact that it was solemnised according to Buddhist rites and ceremonies and not according to rites and ceremonies followed in a Hindu marriage.

Registration of  
Buddhist  
marriages.

3. (1) For the purpose of facilitating the proof of a Buddhist marriage, the State Government may make rules providing that the parties to any marriage solemnised according to Buddhist rites and ceremonies shall have the particulars relating to their marriage entered in such manner and subject to such conditions as may be prescribed in a Buddhist Marriage Register kept for the purpose.

(2) Notwithstanding anything contained in sub-section (1), the State Government may, if it is of opinion that it is necessary or expedient so to do, provide that the entering of the particulars referred to in sub-section (1) shall be compulsory in the State or in any part thereof whether in all cases or in such cases as may be specified and where any such direction has been issued, any person contravening any rule made or direction issued in this behalf shall be punishable with fine which may extend to two hundred and fifty rupees.

(3) Every rule made under this section by any State Government shall be laid, as soon as may be after it is made, before the State Legislature.

(4) The Buddhist marriage register shall, at all reasonable times, be open for inspection, and the statement contained therein and certified extracts therefrom be admissible as evidence and shall be made available to any person, on an application to the Registrar, on payment of the prescribed fees.

(5) Notwithstanding anything contained in this section, the validity of any Buddhist marriage shall not be affected by reason only of the omission to make the entry as provided in sub-section (1).

Savings. 4. Notwithstanding anything containing in this Act, other provisions of the Hindu Marriage Act, 1955 and the benefits conferred thereunder shall apply to persons who profess Buddhist religion.

25 of 1955.

### STATEMENT OF OBJECTS AND REASONS

As per provisions of article 25 of the Constitution of India, "Hindu", also includes a person professing Buddhist religion. It is, thus, generally assumed that the Hindu Marriage Act, 1955 alone applies to Buddhists. Doubts have been raised about the marriages solemnised as per Buddhist rites as some marriages were held illegal as these were not performed according to Hindu religious rites. After the conversion of a large number of Hindus to Buddhism on the call of Dr. B. R. Ambedkar in 1956, many marriages have been solemnised as per Buddhist rites and, therefore, such marriages need protection and validation.

The Minister of Law and Justice, Government of India, while intervening in the debate on a private member's Bill, had assured in Rajya Sabha in the year 1985, that the Government would bring forward a Bill for validating marriages solemnised according to Buddhist rites. However, so far, no Bill has been brought forward by the Government in this regard.

The Bill seeks to validate marriages solemnised according to Buddhist rites and ceremonies.

NEW DELHI:  
*July 11, 1990.*

SUDAM DESHMUKH

**MEMORANDUM REGARDING DELEGATED LEGISLATION**

Clause 3 of the Bill empowers the State Governments to make rules regarding the registration of Buddhist marriages. It is provided that these rules will be laid before the State Legislatures. The delegation of Legislative power is of a normal character as the rules will relate to matters of details only.

**BILL No. 137 OF 1990**

*A Bill further to amend the Constitution of India.*

Be it enacted by Parliament in the Forty-first Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1990.
2. In article 327 of the Constitution, the following proviso shall be added at the end, namely:—

“Provided that while making provisions with respect to the delimitation of constituencies, it shall be ensured that territorial extent of each electoral constituency for House of the People or the Legislative Assembly of a State is the same as the administrative and developmental unit or area at the corresponding level in each State.”.

3. After article 361A of the Constitution, the following articles shall be inserted, namely:—

“362. (1) The elected members of the House of the People or the Legislative Assembly of a State, as the case may be, shall have the right, obligation and the responsibility to ensure the actual implementation of laws, measures, projects and plans within the territorial limits of the electoral constituency which the member represents.

(2) For the purposes of clause (1), there shall be constituted such bodies at the level of electoral constituencies of the House of the People and the Legislative Assembly of a State and in such manner as may be determined by Parliament by law.

Short title.  
Amend-  
ment of  
article  
327.

Inser-  
tion of  
new  
articles  
362  
and 362A,

Elected  
members  
to have  
right and  
obliga-  
tion to  
ensure  
imple-  
men-  
ta-  
tion of  
laws, etc.

---

(3) The bodies constituted under clause (2) shall be headed by the member of the House of the People or the Legislative Assembly of a State, as the case may be, elected from the respective electoral constituency.

**Standing Committees of each Ministry/Department of the Union or of a State.**

**362 A.** The members of both Houses of Parliament and the Legislature of a State shall be nominated by the President or the Governor of a State, as the case may be, as members, on rotation basis, of Standing Committees to be set up by each Ministry/Department of the Union or of a State, respectively, with such powers and functions as may be determined by the President or the Governor, as the case may be.”.

### STATEMENT OF OBJECTS AND REASONS

At present, the electoral constituencies are different from administrative and developmental units. Elected legislators have no opportunity, responsibility or accountability for implementation of laws, measures, projects, etc. even in their own constituencies. The elected representatives can at the most raise their voices inside the legislature or ventilate grievances in the press. But people expect much more from them than what they do or can actually do. On actual implementation of the plans, projects, etc., the elected representatives have no control except to approach the officials concerned.

On the other hand, the bureaucrats or technocrats have no formal participation in any democratic structure and they plead their inability in exercising control over execution of plans, etc.

Our elected representatives remain only the symbols of "talking" democracy while those who actually implement plans are kept out of any democratic framework. Moreover, the overlapping of electoral constituencies, districts, sub-divisions of taluks, blocks, etc. causes further complications.

Therefore, there is an urgent need for synchronisation of electoral constituencies with the administrative and developmental units, by re-organising and delimiting such constituencies. This will help our elected representatives and bureaucrats to actually involve themselves in implementation of plans, etc. while maintaining their separate identity and existence.

Similarly, the present system of consultative committees attached with each Ministry/Department serves a limited purpose only. Hence, their replacement by Standing Committees is necessary to help streamline the functions of the Ministries and Departments and oversee the implementation of various schemes. Members of the Upper Houses at the State and Central levels can be more useful in these Standing Committees. At present they are not associated with consultative committees.

Hence this Bill.

NEW DELHI

July 17, 1990.

BHOGENDRA JHA

### FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the setting up of Standing Committees in each Ministry/Department of the Union or of a State consisting of members of the Houses of Parliament or the Legislature of a State, with such powers as may be determined by the President, or the Governor of a State, as the case may be. As regards the members of the State Committees, the expenditure will be met by the respective State Government. However, the Bill, if enacted, will involve expenditure from the Consolidated Fund of India in respect of travelling and other allowances to members of the Standing Committees of the Union Ministries/Department and other miscellaneous expenditure in respect of their administration. It is estimated that an annual recurring expenditure to the tune of rupees ten lakhs is likely to be incurred.

No non-recurring expenditure is likely to be involved.

## BILL No. 138 OF 1990

*A Bill to provide for the recognition of electropathy system of medicine and for matters connected therewith or incidental thereto.*

BE it enacted by Parliament in the Forty-first Year of the Republic of India as follows:—

1. (1) This Act may be called the Electropathy System of Medicine (Recognition) Act, 1990.

Short title,  
extent and  
commencement.

(2) It extends to the whole of India.

(3) It shall come into force at once.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "Authority" means the Naturo Electro Homeo Medicos' Authority of India established under section 3;

(b) "degree" means the degree of Bachelor of Electropathy, Medicines and Surgery (B.E.M.S.) awarded by an institution established by the Authority;

(c) "diploma" means the Diploma in Electro Homeo Medicines (D.E.H.M.) awarded by an institution established by the Authority;

(d) "electropathy" means the electropathy/electro homeopathy system of medicines;

(e) "Fund" means the Naturo Electro Homeo Medicos' Authority of India Fund constituted under section 4;

(f) "institution" means an institution, established by the Authority, by which a person is awarded a degree or diploma after successful completion of prescribed course of study/training in electropathy.

Establishment of  
Naturo  
Electro  
Homeo  
Medicos'  
Authority  
of India.

Constitu-  
tion of  
Naturo  
Electro  
Homeo  
Medicos'  
Authority  
of India  
Fund.

Functions  
of  
Authority.

Recogni-  
tions of  
degree/  
diploma.

Registration with  
the  
Authority.

Right to  
practise  
Electro-  
pathy  
system  
of  
medicine.

**3. (1) The Central Government shall establish an Authority, consisting of a Chairman and such number of members as may be prescribed, to be known as the Naturo Electro Homeo Medicos' Authority of India.**

(2) The registered office of the Authority shall be at New Delhi.

**4. The Central Government shall constitute a fund to be called the Naturo Electro Homeo Medicos' Authority of India Fund for the development of Electropathy system of medical science.**

**5. The Authority shall, out of the Fund constituted under section 4,—**

(a) establish institutions;

(b) establish, organise, finance and maintain hospitals of electropathy system of medicine throughout the country;

(c) manufacture electropathic and electro-homeopathic medicines;

(d) conduct research in electropathy system of medicine;

(e) assist the medical practitioners practising in electropathy; and

(f) assist the persons holding B.E.M.S. degree or D.E.H.M. diploma in getting suitable employment.

**6. The degrees/diplomas awarded by an institution established under section 5 shall be recognised.**

**7. All persons who have been awarded degrees or diplomas by an institution shall register themselves with the Authority, which shall maintain a Register for the purpose.**

**8. All those who have registered themselves with the Authority under section 7, shall have the right to practise in the Electropathy system of medicine throughout the country.**

**9. The Central Government shall set up an Advisory Council, consisting of such number of members as may be prescribed, to advise the Authority.**

Setting up of an Advisory Council.

**10. The Authority shall submit to the Central Government a periodical return containing a list of doctors registered with them, hospitals and institutions established by them, the particulars of expenditure incurred from the fund and such other particulars as may be prescribed by the Central Government.**

Periodical re-  
turn to be  
submitted  
by the  
Authority.

**11. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.**

Power  
to make  
rules.

## STATEMENT OF OBJECTS AND REASONS

The Electropathy/Electro homeopathy medical science is harmless, natural and is a new system of medicines. This system is quite different from homeopathic system. This new pathy was discovered in 1865 by Dr. Count Ceaser Mattie of Italy on the basic principles of 'COMPLEXA-COMPLEXIS-CURANTURE'. The remedies of Electropathy are prepared by a scientific process called the 'Spagiric way' commonly known as 'COHOBATION' method in which the living energies of the plant remain in the essences obtained from the plants. These remedies have curative capacity to regulate the lymph and blood and also to keep them purified. Only non-poisonous plants are used for preparing medicines under this system. Alcohol or spirit or other poisonous matter is not used in the preparation of these medicines. Hence there are no side effects on the human body. Any discomfort can be easily and quickly controlled. These medicines are cheap and harmless.

In the beginning, the medical sciences *viz.* Ayurveda, Unani and Homeopathy were also registered under Registration of Societies Act, 1860 and these systems were practised before 1932 and 1952, respectively, even without recognition. They were later recognised by the Government. Therefore, the Medical Science of Electropathy or Electro homeopathy should also be recognised by the Government treating it at par with other medical sciences in India.

The Board of Naturo Electro Homeo Medicos (N.E.H.M.) of India, New Delhi which works for the promotion and development of Electropathy Medical Science, is registered under the Societies Act, 1860. Its working is controlled and supervised by a committee constituted for the purpose.

The Government, therefore, should take over the Board of Naturo Electro Homeo Medicos' of India for the promotion and development of the Electropathy/Electro homeopathy medical science in India. Considering the vast number of electropathy doctors, institutions and their contribution towards the promotion and development of Electropathy/Electro homeopathy medical science, it is high time that this new medical science is given legal protection.

Hence this Bill.

NEW DELHI;  
July 20, 1990.

JAGANNATH SINGH.

#### FINANCIAL MEMORANDUM

Clause 3 of the Bill provides that the Central Government shall establish a Naturo Electro Homeo Medicos' Authority of India. Clause 4 provides that the Central Government shall constitute Naturo Electro Homeo Medicos' Authority of India fund. Clause 9 provides that the Central Government shall set up an Advisory Council to advise the Authority. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees twenty lakhs per annum.

Non-recurring expenditure of about rupees five lakhs is also likely to be involved from the Consolidated Fund of India.

**MEMORANDUM REGARDING DELEGATED LEGISLATION**

Clause 11 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. Since the rules will relate to matters of detail only, the delegation of the legislative power is of a normal character.

**BILL No. 133 OF 1990**

*A Bill to provide for free education to children and for matters connected therewith.*

Be it enacted by Parliament in the Forty-first Year of the Republic of India as follows:—

1. This Act may be called the Child Welfare Act, 1990.

Short title.

2. In this Act, unless the context otherwise requires,—

Definitions.

(i) 'children' means persons who are under the age of eighteen years and the income of whose parents or guardians, as the case may be, is less than rupees five hundred per month;

(ii) 'free education' means free education up to senior school level and includes supply of text books, note books, stationery, uniform, etc. free of cost and free hostel facilities.

3. The Central Government shall provide free education to all children.

Free Education to children.

4. The Central Government shall establish institutions for imparting training in various trades including technical trades to children after they complete their education.

Establishment of institutions.

5. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

### STATEMENT OF OBJECTS AND REASONS

Although the Directive Principles of State Policy provide for free and compulsory education for all children until they complete the age of fourteen years, it is seen that even after a lapse of so many years, no effective steps have been taken by the State to provide free education to poor children throughout the country. The parents of majority of children are not in a position to send their children to schools because of their inability to provide basic requirements for study like books, notebooks and stationery to them. The result is that most of the children are forced to leave their studies in between and go for employment to supplement the meagre income of their families. Since these children do not have the basic education, they are exploited by their employers.

Our country being a Welfare State, free and compulsory education should be provided to poor children, to start with, atleast upto higher secondary level.

The Government should also impart training in various trades to such children after completion of their education.

Hence this Bill.

NEW DELHI;

RAMASHRAY PRASAD SINGH

*July 23, 1990.*

### FINANCIAL MEMORANDUM

Clause 3 of the Bill provides that the Central Government shall provide free education up to senior school level to all children who have not completed the age of eighteen years and the income of whose parents is less than rupees five hundred per month. For providing free education, more schools may have to be opened and more teachers to be appointed. Moreover, facilities like supply of text books, stationery, uniforms, hostel facilities, etc. have to be provided to the children free of cost. Clause 4 provides for setting up of institutions for imparting training to children in various trades. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India.

It is estimated that an annual recurring expenditure of about rupees one hundred crores is likely to be involved from the Consolidated Fund of India.

It is also likely to involve a non-recurring expenditure of about rupees fifty crores.

### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 5 of the Bill gives power to the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of detail only and as such the delegation of legislative power is of a normal character.

## BILL No. 129 OF 1990

*A Bill further to amend the Employment Exchanges (Compulsory Notification of Vacancies) Act, 1959.*

Be it enacted by Parliament in the Forty-first Year of the Republic of India as follows:—

Short title,  
extent  
and com-  
menc-  
ment.

1. (1) This Act may be called the Employment Exchanges (Compulsory Notification of Vacancies) Amendment Act, 1990.

(2) It extends to the whole of India.

(3) It shall come into force in a State or Union territory on such date as the Central Government may, by notification in the Official Gazette, appoint in this behalf for such State or Union territory and different dates may be appointed for different States or Union territories or for different areas of a State or a Union territory but such date shall not be later than the 26th day of January, 1991.

31 of 1959.

2. In the Employment Exchanges (Compulsory Notification of Vacancies) Act, 1959 (hereinafter referred to as the principal Act), in section 2,—

Amend-  
ment of  
section 2.

(i) for clause (b), the following clause shall be substituted, namely:—

'(b) "employee" means any person who is employed in an establishment to do any work, including unskilled office work, for remuneration;'; and

(ii) in clause (g), for the words "twenty-five or more persons", the words "two or more persons" shall be substituted.

3. In section 3 of the principal Act, in sub-section (1), clause (d) shall be omitted.

Amend-  
ment of  
section 3.

### STATEMENT OF OBJECTS AND REASONS

The Employment Exchanges (Compulsory Notification of Vacancies) Act, 1959, came into force with effect from 1st May 1960 but the Act has not achieved the purpose for which it was enacted. The number of unemployed registered with the employment exchanges, for getting skilled or unskilled jobs, has increased enormously.

The Act is applicable to establishments in the private sector where ordinarily twenty-five or more persons are employed to work for remuneration. Moreover, the Act is not applicable in relation to vacancies in any employment for doing unskilled office work.

Therefore, it is felt that the law of compulsory notification of vacancies must be extended to all establishments in private sector where ordinarily two or more persons are employed to work for remuneration and also notification of vacancies for unskilled office work should be made compulsory for all establishments.

The Bill seeks to achieve the above objectives.

NEW DELHI;

SUDAM DESHMUKH

July 18, 1990.

---

K. C. RASTOGI,  
Additional Secretary.